

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Dietz**

A Bill

HOUSE BILL 1182

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §14-236-106 TO REPLACE THE
9 DIVISION OF SANITATION SERVICES WITH THE DIVISION OF
10 ENVIRONMENTAL HEALTH PROTECTION AND TO CHANGE THE PENALTY
11 FOR FAILING TO CORRECT MALFUNCTIONING SEWAGE SYSTEMS; AND
12 FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO CHANGE THE PENALTY FOR FAILING TO CORRECT
15 MALFUNCTIONING SEWAGE SYSTEMS."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code §14-236-106 is hereby amended to read as
21 follows:

22 "(a) (1) A person who shall willingly and knowingly violate the
23 provisions of this chapter shall be liable to the party aggrieved or damaged
24 by that violation for the cost of suit, including a reasonable attorney's fee,
25 actual damages, and additional punitive damages equal to twenty-five percent
26 (25%) of the damages proven by the aggrieved party, to be taxed by the court
27 where the suit is heard on an original action, by appeal or otherwise, and
28 recovered by a suit at law in any court of competent jurisdiction. However,
29 the party aggrieved or damaged thereby must give twenty (20) days' written
30 notice of any violation of this chapter to the violator.

31 (2) Approval by the Division of Environmental Health Protection
32 of the Department of Health or its authorized agent of a requested variation
33 from the rules and regulations adopted pursuant to this chapter shall not be
34 construed as a violation of this chapter.

35 (b) The Division of Environmental Health Protection of the Department

1 of Health or its authorized agent is authorized to require the property owner
2 to take the necessary action to correct the malfunctioning individual sewage
3 disposal system within thirty (30) working days of being notified. Failure to
4 take corrective action shall constitute a violation of this law.

5 (c) Any person, firm, corporation, or association, who violates any of
6 the provisions of this chapter or any rules and regulations promulgated under
7 the authority of this chapter shall, upon conviction, be deemed guilty of a
8 misdemeanor and shall be punished by a fine of not less than one hundred
9 dollars (\$100) nor more than *one thousand dollars (\$1,000)*."

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11 SECTION 2. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 3. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 4. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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/s/James G. Dietz

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